

**MONDAY, JANUARY 30, 2017**

**SECOND LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Stephen Handy, McKendree United Methodist Church, Nashville, TN.

Representative Beck led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 98

Representatives present were Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lovell, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 98

**EXCUSED**

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Akbari; business

**PRESENT IN CHAMBER**

Reps. H. Brooks and Littleton were recorded as being present in the Chamber.

**COMMUNICATION  
January 20, 2017**

Honorable Beth Harwell  
Speaker of The House of Representatives  
19 Legislative Plaza  
Nashville, TN 37243

**MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION**

Dear Honorable Speaker Harwell,

Please approve my request.

I request that Representative Ron Lollar substitute for me in all Government Ops Committee meetings and hearings, due to conflicts that arise due to requirements of the Republican Caucus Leader position.

I am cc'ing this to committee chairmen and Representative Ron Lollar, anticipating a positive response, as there are committee meetings next week, and will forward your response as soon as we receive it.

Thank you for your time and consideration.

Sincerely,

/s/ Glen Casada

**COMMUNICATION  
January 23, 2017**

Rep. Tim Wirgau  
G-2 War Memorial Building  
Nashville, TN 37243

Re: Tennessee Advisory Commission on Intergovernmental Relations (TACIR)

Dear Rep. Wirgau:

As Speaker of the House of Representatives acting pursuant to Tennessee Code Annotated, § 4-10-103, I am reappointing you to serve as a member of the Tennessee Advisory Commission on Intergovernmental Relations. Your term commences immediately and will expire on November 6, 2018.

I am forwarding a copy of this letter to TACIR Executive Director, Cliff Lippard, Ph.D. Dr. Lippard's office will be contacting you in the near future regarding this appointment.

I am confident that you will continue to perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Speaker Beth Harwell

cc: Lt. Gov. Randy McNally  
Cliff Lippard, Ph.D.- TACIR Executive Director  
Cody York, 8<sup>th</sup> Floor, Snodgrass Tower  
Don R. Johnson, G-7 State Capitol Bldg.  
Scott Gilmer

Rick Nicholson  
Connie Ridley  
Karen Garrett  
Doug Himes  
Tammy Letzler

**COMMUNICATION**  
**January 23, 2017**

Rep. Mike Carter  
G-3 War Memorial Building  
Nashville, TN 37243

Re: Tennessee Advisory Commission on Intergovernmental Relations (TACIR)

Dear Rep. Carter:

As Speaker of the House of Representatives acting pursuant to Tennessee Code Annotated, § 4-10-103, I am reappointing you to serve as a member of the Tennessee Advisory Commission on Intergovernmental Relations. Your term commences immediately and will expire on November 6, 2018.

I am forwarding a copy of this letter to TACIR Executive Director, Cliff Lippard, Ph.D. Dr. Lippard's office will be contacting you in the near future regarding this appointment

I am confident that you will continue to perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Speaker Beth Harwell

cc: Lt Gov, Randy McNally  
Cliff Lippard, Ph.D. - TACIR Executive Director  
Cody York, 8<sup>th</sup> Floor, Snodgrass Tower  
Don R. Johnson, G-7 State Capitol Bldg.  
Scott Gilmer  
Rick Nicholson  
Connie Ridley  
Karen Garrett  
Doug Himes  
Tammy Letzler

**COMMUNICATION**  
**January 23, 2017**

Rep. Harold Love  
35 Legislative Plaza  
Nashville, TN 37243

Re: Tennessee Advisory Commission on Intergovernmental Relations (TACIR)

Dear Rep. Love:

As Speaker of the House of Representatives acting pursuant to Tennessee Code Annotated, § 4-10-103, I am reappointing you to serve as a member of the Tennessee Advisory Commission on Intergovernmental Relations. Your term commences immediately and will expire on November 6, 2018.

I am forwarding a copy of this letter to TACIR Executive Director, Cliff Lippard, Ph.D. Dr. Lippard's office will be contacting you in the near future regarding this appointment.

I am confident that you will continue to perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Speaker Beth Harwell

cc: Lt. Gov. Randy McNally  
Cliff Lippard, Ph.D.- TACIR Executive Director  
Cody York, 8<sup>th</sup> Floor, Snodgrass Tower  
Don R. Johnson, G-7 State Capitol Bldg.  
Scott Gilmer  
Rick Nicholson  
Connie Ridley  
Karen Garrett  
Doug Himes  
Tammy Letzler

**COMMUNICATION  
January 23, 2017**

Rep. Antonio Parkinson  
36-B Legislative Plaza  
Nashville, TN 37243

Re: Tennessee Advisory Commission on Intergovernmental Relations (TACIR)

Dear Rep. Parkinson:

As Speaker of the House of Representatives acting pursuant to Tennessee Code Annotated, § 4-10-103, I am reappointing you to serve as a member of the Tennessee Advisory Commission on Intergovernmental Relations. Your term commences immediately and will expire on November 6, 2018.

I am forwarding a copy of this letter to TACIR Executive Director, Cliff Lippard, Ph.D. Dr. Lippard's office will be contacting you in the near future regarding this appointment.

I am confident that you will continue to perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Speaker Beth Harwell

cc: Lt. Gov. Randy McNally  
Cliff Lippard, Ph.D. - TACIR Executive Director  
Cody York, 8<sup>th</sup> Floor, Snodgrass Tower  
Don R. Johnson, G-7 State Capitol Bldg.  
Scott Gilmer  
Rick Nicholson  
Connie Ridley  
Karen Garrett  
Doug Himes  
Tarnmy Letzler

**COMMUNICATION  
January 23, 2017**

Rep. Charles M. Sargent  
206 War Memorial Building  
Nashville, TN 37243

Re: Tennessee Advisory Commission on Intergovernmental Relations (TACIR)

Dear Chairman Sargent:

As Speaker of the House of Representatives acting pursuant to Tennessee Code Annotated, § 4-10-103(a)(2), I am sending this letter to remind you that, as chairman of the House Finance Ways and means Committee, you serve as an ex officio member of the Tennessee Advisory Commission on Intergovernmental Relations. Your term commences immediately and will expire on November 6, 2018.

I am forwarding a copy of this letter to TACIR Executive Director, Cliff Lippard, Ph.D. Dr. Lippard's office will be contacting you in the near future regarding this appointment.

I am confident that you will continue to perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Speaker Beth Harwell

cc: Lt. Gov. Randy McNally  
Cliff Lippard, Ph.D. - TACIR Executive Director  
Cody York, 8<sup>th</sup> Floor, Snodgrass Tower  
Don R. Johnson, G-7 State Capitol Bldg.  
Scott Gilmer  
Rick Nicholson  
Connie Ridley  
Karen Garrett  
Doug Himes  
Tammy Letzler

**COMMUNICATION**  
**January 26, 2017**

Kim Cox,

I would like to appoint State Representative Sam Whitson (District 65) to serve as my designee on the House Governments Operations Committee.

/s/ Curtis Johnson

**COMMUNICATION  
January 30, 2017**

Rep. John Ragan  
G-24 War Memorial Building  
Nashville, TN 37243

Re: Southern States Energy Board

Dear Rep. Ragan:

As Speaker of the House of Representatives, I am reappointing you to serve as a member of the Southern States Energy Board. Your new term commences innmediately and will expire on November 6, 2018.

I am forwarding a copy of this letter to Kenneth J. Nemeth, Executive Director and Secretary to the Southern States Energy Board. Mr. Nemeth's office will be contacting you in the near future regarding this reappointment.

I am confident that you will continue to perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Speaker Beth Harwell

cc: Lt. Gov. Randy McNally  
Kenneth J. Nemeth, Executive Director - Southern States Energy Board  
Cody York, 8<sup>th</sup> Floor, Snodgrass Tower  
Don R. Johnson, G-7 State Capitol Bldg.  
Scott Gilmer  
Connie Ridley  
Karen Garrett  
Doug Himes  
Tammy Letzler

**COMMUNICATION  
January 30, 2017**

Rep. John Ragan  
G-24 War Memorial Building  
Nashville, TN 37243

Re: NCSL Nuclear Legislative Workgroup

Dear Rep. Ragan:

As Speaker of the House of Representatives, I am nominating you to continue to serve as a member of the NCSL Nuclear Legislative Workgroup for a two year term.

**MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION**

I am forwarding a copy of this letter to Scott Hendrick at NCSL. Mr. Hendrick will be contacting you in the near future regarding this nomination.

I am confident that you will continue to perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Speaker Beth Harwell

cc: Lt. Gov. Randy McNally  
Scott Hendrick - NCSL  
Cody York, 8<sup>th</sup> Floor, Snodgrass Tower  
Don R. Johnson, G-7 State Capitol Bldg.  
Scott Gilmer  
Connie Ridley  
Karen Garrett  
Doug Himes  
Tammy Letzler

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 46** Rep. Matlock as prime sponsor.

**House Bill No. 60** Rep. Matlock as prime sponsor.

**ENROLLED BILLS**  
**January 13, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED**  
**January 19, 2017**

The Speaker announced that she had signed the following: House Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23.

GREG GLASS, Chief Engrossing Clerk



**MESSAGE FROM THE SENATE  
January 19, 2017**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
January 19, 2017**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 7, 11 and 12; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED  
January 19, 2017**

The Speaker announced that she had signed the following: Senate Joint Resolutions Nos. 7, 11 and 12.

TAMMY LETZLER, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK  
January 19, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23; for his action.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR  
January 20, 2017**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23; with his approval.

DWIGHT E. TARWATER, Legal Counsel to the Governor

MESSAGE FROM THE SENATE  
January 30, 2017

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 15; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 15** -- Memorials, Recognition - American Heart Association/National Wear Red Day, February 3, 2017. by \*Briggs.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the following resolutions listed were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 31** -- Memorials, Congress - Supports U.S. statehood for Puerto Rico. by \*Goins.

House State Government Committee

**\*House Joint Resolution No. 32** -- Naming and Designating - "Child Abuse Prevention Month," April 2017. by \*Williams.

House Civil Justice Committee

**\*House Joint Resolution No. 36** -- General Assembly, Statement of Intent or Position - Expresses support for the Nation of Israel. by \*T. Hill.

House State Government Committee

**House Joint Resolution No. 37** -- Constitutional Amendments - Proposes an amendment to the Constitution of Tennessee recognizing that our liberties do not come from governments, but from Almighty God. by \*Van Huss, \*T. Hill.

House Civil Justice Committee

**House Joint Resolution No. 38** -- Constitutional Conventions - Appoints commissioners to the planning convention for a prospective Article V convention. by \*Powers.

House State Government Committee

**\*House Joint Resolution No. 42** -- General Assembly, Confirmation of Appointment - Confirms the appointment of persons to the state university board of the University of Memphis. by \*Hawk, \*Casada.

House Education Administration & Planning Committee

## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Joint Resolution No. 43** -- General Assembly, Confirmation of Appointment - Confirms the appointment of persons to the state university board of Middle Tennessee State University. by \*Hawk, \*Casada.

House Education Administration & Planning Committee

**\*House Joint Resolution No. 44** -- General Assembly, Confirmation of Appointment - Confirms the appointment of persons to the state university board of Tennessee Technological University. by \*Hawk, \*Casada.

House Education Administration & Planning Committee

**\*House Joint Resolution No. 45** -- General Assembly, Confirmation of Appointment - Confirms the appointment of persons to the state university board of East Tennessee State University. by \*Hawk, \*Casada.

House Education Administration & Planning Committee

**\*House Joint Resolution No. 46** -- General Assembly, Confirmation of Appointment - Confirms the appointment of persons to the state university board of Tennessee State University. by \*Hawk, \*Casada.

House Education Administration & Planning Committee

**\*House Joint Resolution No. 47** -- General Assembly, Confirmation of Appointment - Confirms the appointment of persons to the state university board of Austin Peay State University. by \*Hawk, \*Casada.

House Education Administration & Planning Committee

**\*House Joint Resolution No. 53** -- General Assembly, Directed Studies - Requests the board of medical examiners and the board of osteopathic examination to study Vitamin D deficiency in pregnant women and report to the health and welfare committee of the senate and the health committee of the house of representatives by January 15, 2018. by \*Pitts.

House Health Committee

## RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for February 1, 2017:

**House Resolution No. 7** -- Memorials, Recognition - Marlene and Spencer Hays. by \*Clemmons.

**House Resolution No. 8** -- Memorials, Recognition - Hope Resource Center, 20th anniversary. by \*Zachary.

**House Resolution No. 9** -- Memorials, Recognition - Putnam County, 175th anniversary. by \*Williams.

**MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION**

**House Joint Resolution No. 33** -- Memorials, Death - Jane G. Eskind. by \*Clemmons.

**House Joint Resolution No. 34** -- Memorials, Personal Achievement - Tammy Letzler and Kim Cox. by \*Gilmore.

**House Joint Resolution No. 35** -- Memorials, Recognition - American Heart Association/National Wear Red Day, February 3, 2017. by \*Gilmore.

**House Joint Resolution No. 39** -- Memorials, Recognition - Jimmy Kelly's Steakhouse. by \*Travis.

**House Joint Resolution No. 40** -- Memorials, Personal Achievement - Judson Miller Chaudoin, Eagle Scout. by \*Harwell.

**House Joint Resolution No. 41** -- Memorials, Personal Occasion - Annie L. Woodson, 100th birthday. by \*Butt, \*Curcio.

**House Joint Resolution No. 48** -- Memorials, Professional Achievement - Derek Voiles, 2016-2017 Tennessee Teacher of the Year. by \*Goins.

**House Joint Resolution No. 49** -- Memorials, Recognition - Montgomery Bell Academy, 150th anniversary. by \*Powell.

**House Joint Resolution No. 50** -- Memorials, Death - Mary Frances Hodges Lyle. by \*Clemmons.

**House Joint Resolution No. 51** -- Memorials, Death - Betty Nixon. by \*Clemmons.

**House Joint Resolution No. 52** -- Memorials, Recognition - Sharron J. Brown. by \*Parkinson.

**House Joint Resolution No. 54** -- Memorials, Retirement - Dr. Helen James. by \*Brooks H, \*Matlock, \*Byrd, \*White M, \*Kane, \*Turner, \*Stewart.

**House Joint Resolution No. 55** -- Memorials, Recognition - Commemorates the August 21, 2017, total solar eclipse. by \*Pitts.

**House Joint Resolution No. 56** -- Memorials, Sports - Clarksville High School girls' soccer team, TSSAA Class AAA State Champions. by \*Pitts, \*Johnson, \*Reedy.

**House Joint Resolution No. 57** -- Memorials, Sports - Clarksville High School girls' golf team, TSSAA Class AAA State Champs. by \*Pitts, \*Johnson, \*Reedy.

**House Joint Resolution No. 58** -- Memorials, Retirement - Dr. Carlette Hardin. by \*Pitts, \*Johnson, \*Reedy.

## INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 36** -- Highway Signs - As introduced, expands the area, from only Sevierville to include all of Sevier County, that is exempted from the required removal of TODS signs erected by an entity other than the department of transportation. - Amends TCA Title 54, Chapter 5, Part 13. by \*Carr.

**\*House Bill No. 37** -- Estates - As introduced, deletes the requirement that a creditor's claim against an estate must be brought within 12 months of the decedent's death so that a claim must be brought within four months of publication of notice or 60 days within receipt of a copy of the notice. - Amends TCA Title 30; Title 31 and Title 32. by \*Staples, \*Dunn.

**\*House Bill No. 38** -- Military - As introduced, extends certain employment protections to members of the army and air national guards, state guards, and civil air patrols of other states consistent with protections that exist for members of the Tennessee air national guard, state guard, and civil air patrol. - Amends TCA Title 8, Chapter 33; Title 50 and Title 58, Chapter 1. by \*Reedy.

**\*House Bill No. 39** -- DUI Offenses - As introduced, requires search warrant or written consent prior to a blood test being performed to determine alcoholic or drug content of a driver's blood. - Amends TCA Title 39, Chapter 13; Title 40, Chapter 7, Part 1 and Title 55, Chapter 10, Part 4. by \*Goins.

**\*House Bill No. 40** -- Firearms and Ammunition - As introduced, enacts the "Open Carry Firearms Freedom Act." - Amends TCA Title 10, Chapter 7; Title 33; Title 38; Title 39; Title 40 and Title 70. by \*Van Huss.

**\*House Bill No. 41** -- Taxes, Privilege - As introduced, phases out the professional privilege tax over a five-year period for tax years that begin on and after June 1, 2017. - Amends TCA Title 67, Chapter 4, Part 17. by \*Van Huss.

**\*House Bill No. 42** -- Education - As introduced, urges the department of education to include the proper use and positioning of bicycle helmets in its pilot bicycle safety curriculum. - Amends TCA Title 49. by \*Butt.

**\*House Bill No. 43** -- Welfare - As introduced, prohibits recipients of EBT cards from using the card to purchase food that is high in calories, sugar, and fat, as recommended by the United States department of agriculture; prohibits people or businesses that accept EBT cards from accepting the card if used to purchase food that is high in calories, sugar, and fat; authorizes the department of human services to seek a waiver from the United States department of health and human services to establish a list of food that is prohibited for purchase by a recipient of an EBT card. - Amends TCA Title 71. by \*Butt.

**\*House Bill No. 44** -- Tennessee Bureau of Investigation - As introduced, enacts the "Help Find the Missing Act." - Amends TCA Title 38. by \*Windle.

**\*House Bill No. 45** -- Students - As introduced, deletes the requirement for LEAs to provide students with certain periods of physical activity depending on grade level. - Amends TCA Title 49, Chapter 6. by \*Dunn.

## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Bill No. 46** -- Taxes, Privilege - As introduced, exempts individuals from the professional privilege tax for the first year in which they are licensed or registered in a taxable profession. - Amends TCA Title 67, Chapter 4, Part 17. by \*Clemmons, \*Matlock.

**\*House Bill No. 47** -- Firearms and Ammunition - As introduced, requires mandatory minimum sentences for certain criminal convictions involving semi-automatic firearms. - Amends TCA Title 39, Chapter 17, Part 13. by \*Clemmons.

**\*House Bill No. 48** -- Handgun Permits - As introduced, requires one-half of every handgun carry permit fee to be annually donated to one or more nonprofit organizations established for the purpose of providing financial assistance to families of police officers, firefighters, and emergency medical staff who lost lives or are victims of serious and disabling injury in the line of duty. - Amends TCA Title 39. by \*Clemmons.

**\*House Bill No. 49** -- Public Contracts - As introduced, requires state agencies to present an electronic report to the fiscal review committee each month for any contracts for services procured through competitive means in excess of \$5,000,000 and for any cost adjustment or other amendment to the contract in excess of the same amount. - Amends TCA Title 3; Title 4; Title 9 and Title 12. by \*Clemmons.

**\*House Bill No. 50** -- Trade Regulation - As introduced, requires the department of economic and community development to establish and maintain a trade office in Taipei, Taiwan. - Amends TCA Title 4; Title 9 and Title 12. by \*Matheny.

**\*House Bill No. 51** -- Managed Care Organizations - As introduced, adds an optional use of a new grievance procedure to the prompt pay statute for the TennCare program. - Amends TCA Title 56. by \*Matheny.

**House Bill No. 52** -- Taxes, Real Property - As introduced, authorizes local governing bodies, by a two-thirds vote, to prorate the 2016 tax assessment for a homeowner's real property or business owner's personal property, if the property was damaged as a result of a FEMA certified disaster between September 1, 2016, and December 31, 2016; expires on December 31, 2017. - Amends TCA Title 67, Chapter 5 and Title 67, Chapter 6. by \*Carr , \*Farmer.

**\*House Bill No. 53** -- Highways, Roads and Bridges - As introduced, contingent upon monthly surplus state tax revenues exceeding \$5 million, allocates 25 percent of the surplus revenues to the priority transportation project fund to be used for transportation projects; requires commissioner of transportation to recommend the top 100 projects to be funded; authorizes general assembly to appropriate from fund to implement all or part of the projects recommended. - Amends TCA Title 4; Title 9; Title 54 and Title 67. by \*Zachary.

**\*House Bill No. 54** -- Business and Commerce - As introduced, prohibits state and local governments from taking discriminatory action against a business based on that business's internal policies. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 48; Title 61; Title 62 and Title 67. by \*Zachary.

**\*House Bill No. 55** -- Criminal Offenses - As introduced, enacts the "Organized Retail Crime Prevention Act." - Amends TCA Title 39, Chapter 14, Part 1. by \*Zachary.

## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Bill No. 56** -- Criminal Offenses - As introduced, expands the offense of theft to include evading a component of an anti-shoplifting device, interfering with a fire alarm system, or using any artifice or article to commit or facilitate a theft, and makes other various changes; punishes a fifth or subsequent conviction in a two-year period one classification higher and imposes a fine of not less than \$300. - Amends TCA Section 39-14-146. by \*Zachary.

**House Bill No. 57** -- Election Laws - As introduced, reorders the presidential primary ballots to allow for candidates for state and municipal offices to immediately follow the names of the presidential candidates; increases the number of vertical columns for each respective party's primary election on the ballot from two to three. - Amends TCA Title 2, Chapter 13 and Title 2, Chapter 5. by \*Zachary.

**\*House Bill No. 58** -- Public Records - As introduced, requires a records custodian, if that records custodian requires a request for copies of public records to be in writing, to accept a handwritten request submitted in person or by mail, an email request, or a request on an electronic form submitted online; requires a request for a records request form to be provided by the most expeditious means possible. - Amends TCA Title 10, Chapter 7, Part 5. by \*Rogers.

**\*House Bill No. 59** -- Criminal Offenses - As introduced, creates the Class E felony of injuring someone or damaging their property with the intent to intimidate the person from the free exercise of political beliefs, political party affiliation, or choice of candidate for public office. - Amends TCA Title 39, Chapter 17, Part 3. by \*Rogers.

**\*House Bill No. 60** -- Taxes, Privilege - As introduced, allows a person engaged in an occupation subject to the occupational privilege tax who is or is older than the age for full social security benefits and who earns no more than \$16,000 per year from the taxable occupation to receive a 75 percent rebate on that person's occupational privilege tax. - Amends TCA Title 67, Chapter 4, Part 17. by \*Rogers, \*Matlock.

**\*House Bill No. 61** -- Firearms and Ammunition - As introduced, treats a licensed firearms dealer the same as a private citizen by allowing the dealer to occasionally sell, exchange, or transfer firearms from the dealer's personal collection without conducting a background check on the buyer. - Amends TCA Title 39, Chapter 17, Part 13. by \*Rogers.

**\*House Bill No. 62** -- Juries and Jurors - As introduced, allows any person age 70 or older to request the jury coordinator of the county to remove the person's name from the jury list of the county if the request is made in writing and is accompanied by an affidavit providing the person's name, age, and other information as required by the jury coordinator; requires the jury coordinator to remove the person's name from the jury list upon receiving the request. - Amends TCA Title 22. by \*Johnson.

**\*House Bill No. 63** -- Education - As introduced, changes from "February 15" to "the second Tuesday in January" the date by which the commissioner of education is to make the annual report on conflict resolution intervention programs. - Amends TCA Title 49. by \*Brooks H.

**\*House Bill No. 64** -- Education, Higher - As introduced, requires that nominees for student member on the Tennessee higher education commission be submitted to the governor by March 15 instead of April 15. - Amends TCA Title 49. by \*Brooks H.

## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Bill No. 65** -- Taxes, Excise - As introduced, exempts certain new businesses from a portion of their franchise and excise tax liability during their first two years of existence. - Amends TCA Title 67, Chapter 4. by \*Smith.

**\*House Bill No. 66** -- Appropriations - As introduced, appropriates \$120 million from excess state tax revenues over-collected in fiscal year 2016-2017 to the department of transportation to be used for transportation road projects, \$20 million of which is earmarked for state-aid roads. - Amends TCA Title 4; Title 9; Title 54 and Title 67. by \*Smith.

**\*House Bill No. 67** -- Education, State Board of - As introduced, requires local education agencies to use at least one alternative growth model that has been approved by the board of education for evaluation of teachers in non-tested grades and subjects; requires the department of education to develop alternative student growth models for grade levels and subjects that do not have growth models. - Amends TCA Section 49-1-302. by \*Smith.

**House Bill No. 68** -- Students - As introduced, adds HiSET® to the courses a minor student may be enrolled and making satisfactory academic progress in to obtain a driver license or instruction permit to operate a motor vehicle from the department of safety. - Amends TCA Title 49. by \*Smith.

**House Bill No. 69** -- TennCare - As introduced, directs the commissioner of finance and administration to submit a waiver request to the federal centers for medicare and medicaid services to enable the state to provide medical assistance to the existing TennCare II waiver population and persons with incomes below 138 percent of the federal poverty line by means of a block grant of federal funds. - Amends TCA Title 4; Title 33; Title 56 and Title 71. by \*Smith.

**House Bill No. 70** -- Appropriations - As introduced, appropriates \$4.5 million to the department of mental health and substance abuse services to make a grant for a three-year behavioral health pilot project. - Amends TCA Title 4; Title 9; Title 54 and Title 67. by \*Smith.

**House Bill No. 71** -- Tobacco, Tobacco Products - As introduced, authorizes Knox County and Knoxville to prohibit, by local ordinance, smoking on the grounds of any playground owned or operated by the local government. - Amends TCA Title 39, Chapter 17. by \*Smith.

**\*House Bill No. 72** -- Education, State Board of - As introduced, requires the standards review and development committees and advisory teams appointed by the state board of education to review the academic standards for English language arts, mathematics, science, and social studies every seven years, beginning in 2022. - Amends TCA Title 49, Chapter 1, Part 3. by \*Eldridge, \*Sargent.

**House Bill No. 73** -- Flags - As introduced, makes the display of the P.O.W.-M.I.A. flag over the capitol on any day that the U.S. flag is flown over the capitol mandatory rather than permissive. - Amends TCA Section 4-1-406 and Title 58, Chapter 4, Part 3. by \*Holt.

**\*House Bill No. 74** -- Environment and Conservation, Department of - As introduced, removes obsolete reporting requirement concerning the status of a cooperative effort between the commissioner and owners of property located near a scenic river. - Amends TCA Title 4; Title 11 and Title 64. by \*Howell.



## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Bill No. 75** -- Education - As introduced, changes the number of days' notice that must be given by an LEA before accepting bids for construction of or additions to school buildings from 10 days to 10 business days. - Amends TCA Title 49. by \*Kane.

**\*House Bill No. 76** -- Education - As introduced, requires home school students to take an assessment in grade 11 to graduate, similar to traditional public high school students. - Amends TCA Title 49, Chapter 6, Part 60. by \*Kane.

**\*House Bill No. 77** -- Insurance, Motor Vehicles - As introduced, clarifies that off-highway vehicles operated on public roads are covered under the definition of "uninsured motor vehicle" for purposes of being covered under an uninsured motorist policy. - Amends TCA Title 55, Chapter 12; Title 55, Chapter 8 and Title 56, Chapter 7. by \*Kane.

**\*House Bill No. 78** -- Criminal Offenses - As introduced, authorizes property owners to provide notice that trespassing is prohibited on their property by marking trees and posts with purple paint as an alternative to posting signs. - Amends TCA Title 39, Chapter 14. by \*Kane.

**\*House Bill No. 79** -- Election Laws - As introduced, permits the use of a photo identification card issued by this state, the United States, or an accredited postsecondary institution of education in this state for purposes of verifying the identity of an eligible voter. - Amends TCA Title 2, Chapter 7. by \*Hardaway.

**\*House Bill No. 80** -- Salaries and Benefits - As introduced, establishes a minimum wage of \$15.00 as of July 1, 2017; provides a minimum wage for employees in the service industry who receive tips and employees that are compensated solely by gratuities; authorizes the department of labor and workforce development to promulgate rules in compliance with federal law. - Amends TCA Title 50, Chapter 2. by \*Hardaway.

**\*House Bill No. 81** -- Charitable Institutions - As introduced, permits a nonprofit organization desiring financial assistance from a county or municipality to file, in lieu of completing and filing an annual audit, an annual report of receipts and expenditures in a form prescribed by the comptroller of the treasury; requires such report to be prepared and certified by the nonprofit's CFO; subjects such report to audit by the department of audit. - Amends TCA Section 5-9-109 and Section 6-54-111. by \*Crawford.

**\*House Bill No. 82** -- Equalization Board - As introduced, permits any county board of equalization, instead of only the Shelby County Board of Equalization, to accept written appearances by taxpayers or owners for complaints before the board; permits county board of equalization to require representatives of taxpayers to provide written authorization signed by the taxpayer. - Amends TCA Title 67, Chapter 5, Part 14. by \*Sherrell.

**\*House Bill No. 83** -- Taxes - As introduced, requires members of county boards of equalization and hearing officers to complete annual training and continuing education. - Amends TCA Section 67-1-403. by \*Gravitt.

**\*House Bill No. 84** -- Comptroller, State - As introduced, requires any department receiving federal financial assistance to report certain notices of noncompliance from the federal government to the commissioner of finance and administration and the comptroller within three days. - Amends TCA Title 4, Chapter 4, Part 1. by \*Hawk.

## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Bill No. 85** -- Comptroller, State - As introduced, removes requirement that the comptroller periodically conduct performance audits of state agencies authorized or required to act relative to the conservation of energy, the study and production of alternative sources of energy, and energy security; such agencies remain subject to performance audit for governmental entity review purposes. - Amends TCA Section 8-4-103. by \*Tillis.

**\*House Bill No. 86** -- Property Assessors - As introduced, clarifies that property assessors may retain electronic or digital copies of property tax exemption applications to comply with existing retention requirement. - Amends TCA Section 67-5-212. by \*Curcio.

**House Bill No. 87** -- Equalization Board - As introduced, revises notice requirements for final decisions reached by county boards of equalization to require inclusion of the taxpayer's right to electronically file an appeal to the state board, the current address of the state board, all relevant statutory deadlines, and other information required by the state board. - Amends TCA Section 67-5-1411. by \*Lovell.

**House Bill No. 88** -- Utilities, Utility Districts - As introduced, requires members of certain utility boards of commissioners to meet training and continuing education requirements; provides that failure to meet such requirements could result in the ineligibility to receive certain financial assistance, or for members to be reelected or reappointed. - Amends TCA Section 7-34-115; Section 7-35-409; Section 7-82-307; Section 7-82-308; Section 68-221-1305; Section 68-221-605 and Section 68-221-1206. by \*Calfee.

**\*House Bill No. 89** -- School Transportation - As introduced, places restrictions on receiving school bus driver license endorsements or being hired as a school bus driver for drivers who have committed serious traffic violations, including excessive speeding or reckless driving. - Amends TCA Title 49, Chapter 6, Part 21 and Title 55. by \*Rogers.

**\*House Bill No. 90** -- Taxes, Hotel Motel - As introduced, authorizes the City of Millersville, by ordinance adopted by a two-thirds vote, to levy an occupancy tax of not more than 5 percent on the privilege of staying in any hotel or motel in Millersville; the ordinance must set forth the manner of collection and administration of the privilege tax; requires that all proceeds received by the municipality from the tax be used for tourism development. - Amends TCA Section 67-4-1425. by \*Rogers.

**\*House Bill No. 91** -- Welfare - As introduced, requires certain amounts of work, community service, education, or job-seeking activities for recipients of food assistance (SNAP) unless certain exemptions apply. - Amends TCA Title 71. by \*VanHuss.

**\*House Bill No. 92** -- Child Custody and Support - As introduced, authorizes a court to terminate parental rights of one parent if that parent is convicted of attempted first degree or second degree murder or attempted voluntary manslaughter of the child's other parent. - Amends TCA Title 36 and Title 37. by \*Lovell.

**House Bill No. 93** -- Constitutional Conventions - As introduced, removes limitation on the number of delegates that may be appointed to a constitutional convention. - Amends TCA Title 3, Chapter 18. by \*Powers.

## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Bill No. 94** -- Health Care - As introduced, enacts "The Lovin Law," which requires facilities having a capacity for occupancy of at least 500 people to have at least one functional AED for emergency use at all functions open to the public; requires LEAs to have at least one AED in each school. - Amends TCA Title 49 and Title 68. by \*Gravitt.

**\*House Bill No. 95** -- Sales - As introduced, extends the time of sale of land to foreclose a deed of trust, mortgage or other lien securing the payment of money or other thing of value or under judicial orders or process from "10:00 am-4:00 pm" to "hours agreed upon by the seller and auctioneer." - Amends TCA Title 26, Chapter 5 and Title 35, Chapter 5. by \*Gravitt.

**\*House Bill No. 96** -- Banks and Financial Institutions - As introduced, changes from \$50,000 to \$100,000 the minimum tangible net worth required for an applicant to qualify for a flex loan license; changes from 10 percent to 20 percent the level shareholder whose competence, experience, integrity, and financial ability the commissioner of financial institutions, or the commissioner's designee, may review to determine an applicant's fitness for licensure. - Amends TCA Title 45, Chapter 12; Title 45, Chapter 18 and Title 45, Chapter 5. by \*Travis.

**\*House Bill No. 97** -- Education - As introduced, requires the department of education to form a partnership with a national nonprofit education organization to increase the offerings of rigorous high school classes that prepare students for college and that provide college credit through examination; requires, subject to appropriations, the state to fund payment of college credit examination fees and career and technical certification or licensure examination fees. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 3 and Title 49, Chapter 6. by \*Brooks H.

**House Bill No. 98** -- Election Laws - As introduced, requires Shelby and Davidson counties to conduct nonpartisan elections for all state trial court judgeships, county judicial offices, and judicial clerk offices. - Amends TCA Section 2-13-203. by \*Lamberth.

**\*House Bill No. 99** -- Criminal Procedure - As introduced, clarifies that partial expunctions of criminal records are the removal of electronic records from relevant national, state, and local databases; adds \$5.00 to seat belt violation fines to cover court clerk costs. - Amends TCA Section 40-32-101 and Section 55-9-603. by \*Lamberth.

**\*House Bill No. 100** -- Highways, Roads and Bridges - As introduced, authorizes county road superintendents to expend state-aid funds for roads that are not part of the state-aid highway system. - Amends TCA Title 8; Title 9; Title 54 and Title 67. by \*Weaver.

**\*House Bill No. 101** -- Abortion - As introduced, prohibits abortions after 20 weeks of pregnancy except to preserve the life and health of the mother. - Amends TCA Title 39, Chapter 15, Part 2; Title 63 and Title 68, Chapter 11. by \*Weaver.

**\*House Bill No. 102** -- Special License Plates - As introduced, extends from March 1 to March 15 the date by which the commissioner of revenue, or the commissioner's designee, has to appear before the transportation committee of the house of representatives and the transportation and safety committee of the senate to annually report the status of the computerized titling and registration system. - Amends TCA Title 55. by \*Doss.

## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Bill No. 103** -- Highways, Roads and Bridges - As introduced, increases from 10 to 30 days, the time in which a recipient of a second notice from the department of transportation has to confirm being the owner of utility facilities and to describe the type of utility service, and description and location of each facility; increases from 10 to 30 days, the time in which the owner of utility facilities has to file a reservation of rights notice to the department following the issuance of a notice to proceed by the department. - Amends TCA Title 54. by \*Doss.

**\*House Bill No. 104** -- Motor Vehicles - As introduced, requires a county or municipality to publish its certified highway map on the county or municipality's website, which shall be accessible to the public, no less than 30 days prior to the date of a public hearing on the map. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 54; Title 55 and Title 67. by \*Doss.

**\*House Bill No. 105** -- Traffic Safety - As introduced, deletes obsolete ignition interlock program development fee. - Amends TCA Title 4; Title 54; Title 55 and Title 67. by \*Doss.

**\*House Bill No. 106** -- Highways, Roads and Bridges - As introduced, requires commissioners appointed by the county legislative body to oversee bridge repairs to report all completed repairs to the county legislative body within 60 days of the repair, rather than at the next meeting of the county legislative body. - Amends TCA Title 4; Title 54; Title 55 and Title 67. by \*Doss.

**\*House Bill No. 107** -- Military - As introduced, requires the adjutant general to provide a burial flag, upon application, to the members of the family of a deceased person who is an active, honorably discharged, or retired member of the national guard who served at least one year. - Amends TCA Title 58, Chapter 1, Part 1. by \*Windle.

**\*House Bill No. 108** -- Abortion - As introduced, prohibits abortions from the point a fetal heartbeat is detected; requires fetal heartbeat testing prior to an abortion; creates exceptions. - Amends TCA Title 39, Chapter 15, Part 2 and Title 68, Chapter 11, Part 2. by \*VanHuss, \*Rogers.

**\*House Bill No. 109** -- Controlled Substances - As introduced, increases the amount of marijuana possessed or exchanged under the offenses of simple possession or casual exchange from less than one-half ounce to less than one ounce; prohibits the inference of purpose of selling or otherwise dispensing when the substance possessed or exchanged was less than one ounce of marijuana. - Amends TCA Title 39 and Title 40. by \*Parkinson.

**\*House Bill No. 110** -- Paternity - As introduced, prevents the use of license denial, suspension, or revocation or contempt of court orders to enforce child support arrearages owed by a person who executed a voluntary acknowledgement of paternity that was rescinded due to fraud, duress, or material mistake of fact. - Amends TCA Title 24, Chapter 7; Title 36 and Title 68, Chapter 3, Part 3. by \*Parkinson.

**\*House Bill No. 111** -- Education, Dept. of - As introduced, deletes the prohibition on the commissioner's ability to waive regulatory or statutory requirements related to licensure of employees upon application by an LEA. - Amends TCA Section 49-1-201. by \*Pitts.

## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Bill No. 112** -- Education - As introduced, requires the state board of education to develop standards for an elective, soft skills course for career and technical education; permits students not enrolled in career and technical education to take the course on a space available basis. - Amends TCA Title 49. by \*Forgety.

**\*House Bill No. 113** -- Tobacco, Tobacco Products - As introduced, authorizes municipalities located in Putnam County to prohibit, by local ordinance, smoking on the grounds of an urban park center. - Amends TCA Title 39, Chapter 17. by \*Williams.

**\*House Bill No. 114** -- Forfeiture of Assets - As introduced, requires forfeiture proceeds from the sale of assets seized by local law enforcement agencies and judicial district drug task forces to be deposited in county and municipal general funds, as appropriate. - Amends TCA Title 40, Chapter 33, Part 2. by \*Alexander.

**\*House Bill No. 115** -- Employees, Employers - As introduced, prohibits a state agency or local government from deducting and remitting from the payroll of an employee any dues of an employee association. - Amends TCA Title 7; Title 8; Title 41; Title 49 and Title 50. by \*Alexander.

**\*House Bill No. 116** -- Pensions and Retirement Benefits - As introduced, authorizes Tennessee consolidated retirement system members who deployed in support of Operation Enduring Freedom or Operation Iraqi Freedom to receive military service credit in TCRS for each day of deployment. - Amends TCA Title 8, Chapter 34; Title 8, Chapter 35 and Title 8, Chapter 36. by \*Windle.

**\*House Bill No. 117** -- Tennessee Bureau of Investigation - As introduced, enacts the "Help Find the Missing Act." - Amends TCA Title 38. by \*Windle.

**\*House Bill No. 118** -- Education - As introduced, removes the presumption of a student's intent to violate the School Security Act of 1981 by possessing an electronic pager on school property. - Amends TCA Title 49, Chapter 6. by \*Forgety.

**\*House Bill No. 119** -- Utilities, Utility Districts - As introduced, revises various provisions relative to utility districts, wastewater facilities, the utility management review board, and the water and wastewater financing board; allows utility districts to sell natural gas appliances and heating systems by offering installment payment plans and financing to customers. - Amends TCA Title 7, Chapter 82 and Title 68, Chapter 221. by \*Marsh.

**\*House Bill No. 120** -- Consumer Protection - As introduced, extends from 180 to 185 the number of days following cancellation due to a natural disaster of an event sponsored by a charitable organization that must elapse before ticket buyers forfeit refund of the purchase price. - Amends TCA Title 4; Title 47 and Title 62. by \*Lynn.

**House Bill No. 121** -- Education, State Board of - As introduced, authorizes rules and policies permitting the administration of medications for adrenal insufficiency in schools. - Amends TCA Title 49 and Title 63. by \*Terry.

## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

**\*House Bill No. 122** -- Local Government, General - As introduced, allows local governments, airports, and utility districts to regulate the use and possession of tobacco products in all public places, places of employment, and parks within the entity's jurisdiction as long as the regulations are more stringent than those in effect under state law. - Amends TCA Section 39-17-1551. by \*Ramsey.

**\*House Bill No. 123** -- Public Health - As introduced, requires comprehensive stroke centers and primary stroke centers, and encourages other hospitals, to report data on individuals with confirmed stroke to the ETSU College of Public Health on a quarterly basis. - Amends TCA Title 68, Chapter 1. by \*Ramsey.

### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**\*House Bill No. 23** -- Taxes, Real Property -- House Local Government Committee

**House Bill No. 24** -- Real Property -- House Local Government Committee

**House Bill No. 25** -- Taxes, Privilege -- House Finance, Ways & Means Committee

**\*House Bill No. 26** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

**\*House Bill No. 27** -- Handgun Permits -- House Civil Justice Committee

**\*House Bill No. 28** -- Aircraft and Airports -- House Transportation Committee

**\*House Bill No. 29** -- Victims' Rights -- House Criminal Justice Committee

**\*House Bill No. 30** -- Barbers -- House Business and Utilities Committee

**\*House Bill No. 31** -- Barbers and/or Cosmetologists -- House Business and Utilities Committee

**\*House Bill No. 32** -- Natural Disasters -- House State Government Committee

**\*House Bill No. 33** -- Statutes and Codification -- House Civil Justice Committee

**\*House Bill No. 34** -- Motor Vehicles -- House Transportation Committee

**\*House Bill No. 35** -- Insurance, Health, Accident -- House Insurance and Banking Committee

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Casada moved that the rules be suspended in order to allow House Joint Resolutions Nos. 42, 43 and 45 to be heard in the Education Administration and Planning Committee this week, which motion prevailed.

**ANNOUNCEMENTS**

**RULES SUSPENDED**

Rep. Ramsey moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 15 out of order, which motion prevailed.

**Senate Joint Resolution No. 15** -- Memorials, Recognition - American Heart Association/National Wear Red Day, February 3, 2017. by \*Briggs.

On motion of Rep. Ramsey, the resolution was concurred in.

A motion to reconsider was tabled.

**APPOINTMENTS**

The Speaker announced that Representative Forgety was removed from the Select Committee on Ethics.

The Speaker announced that Representatives McDaniel and Hardaway were removed from the House Calendar and Rules Committee.

The Speaker appointed Representatives Gant and Love to the House Calendar and Rules Committee.

**REPORTS FILED**

The Clerk announced the Supreme Court Amendments to the Rules of Procedure, Criminal Procedure, Juvenile Procedure, Appellate Procedure and Rules of Evidence and The Board of Judicial Conduct Quarterly Report and December 2016 Report have been filed with the Clerk's Office and are available for review.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 42** Reps. Akbari, M. White and H. Brooks as prime sponsors.

**House Joint Resolution No. 43** Reps. Terry, H. Brooks and M. White as prime sponsors.

**House Joint Resolution No. 45** Reps. M. White and H. Brooks as prime sponsors.

**House Bill No. 5** Rep. T. Hill as prime sponsor.

**House Bill No. 13** Rep. D. White as prime sponsor.

**House Bill No. 25** Rep. Matlock as prime sponsor.

**House Bill No. 41** Reps. Matlock and D. White as prime sponsors.

**House Bill No. 45** Rep. Zachary as prime sponsor.

**House Bill No. 101** Reps. Lamberth, Gant, Faison, Hicks, Tillis, J. Sexton, Ragan, Rogers, Goins, Littleton and T. Hill as prime sponsors.

**House Bill No. 108** Reps. Lamberth, Gant, Faison, Hicks, Tillis, J. Sexton, Ragan, Goins, Howell and T. Hill as prime sponsors.

### **ROLL CALL**

The roll call was taken with the following results:

Present..... 95

Representatives present were Alexander, Beck, Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Lollar, Love, Lovell, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 95

### **RECESS**

On motion of Rep. Casada, pursuant to Senate Joint Resolution No. 12 the House stood in a brief recess prior to joining the Senate in Joint Convention to hear Governor Haslam's State of the State Address at the conclusion of which the House stood in recess until 9:00 a.m., Wednesday, February 1, 2017.



**IN JOINT CONVENTION**  
**STATE OF THE STATE ADDRESS**

**MONDAY, JANUARY 30, 2017**

The hour having arrived, set by Senate Joint Resolution No. 12, the Senate met with the House in Joint Convention for the purpose of hearing the State of the State Address from Governor Bill Haslam.

The Joint Convention was called to order by Madam Speaker Harwell, President of the Joint Convention.

**PRESENT IN CHAMBER**

Rep. Akbari was recorded as being present in the Chamber.

On motion of Senator Norris, the roll call of the Senate was dispensed with.

On motion of Representative Casada, the roll call for the House was dispensed with.

Thereupon, the Clerk of the House read Senate Joint Resolution No. 12, authorizing the Joint Convention.

Senator Norris moved that the President of the Joint Convention appoint a Committee composed of five members from the Senate and five members from the House of Representatives to notify the Governor that the Joint Convention is in session and awaiting his arrival.

Madam President Harwell appointed Senators Lundberg, Kelsey, Harper, Overbey and Jackson; Representatives Lamberth, Williams, Calfee, Camper and Lynn. Senator Jackson served as Chair of the Committee.

**RECESS MOTION**

Without objection, Madam President Harwell moved that the Joint Convention stand in recess pending the arrival of Governor Bill Haslam.

**RECESS EXPIRED**

The recess having expired, the Joint Convention was called to order by Madam President Harwell.

Madam President Harwell recognized Senator Jackson at the entrance of the House Chamber, who stated "Thank you Madam President Harwell, the escort Committee is proud to welcome Bill Haslam, the 49<sup>th</sup> Governor of the State of Tennessee."

Madam President Harwell asked the Committee to escort Governor Bill Haslam to the podium.

Madam President Harwell stated, “Members of the General Assembly, it is my distinguished honor to present to you the Honorable Bill Haslam, Governor of the Great State of Tennessee.”

**State of the State Address  
“The Tennessee We Can Be”  
January 30, 2017**

*Speaker Harwell, Lieutenant Governor McNally, Happy Birthday Randy, Speakers Pro Tem Tracy and Johnson, Members of the 110<sup>th</sup> General Assembly, Justices, Constitutional Officers, General Slatery, Commissioners, Friends, Guests, fellow Tennesseans, and for the seventh year in a row, the woman voted best first lady in the land, Crissy. My kids even made it this year.*

*I am before you tonight to give my seventh State of the State address. Time really does fly. I'd like to talk with you about the Tennessee we can be, but first, let's start with where we are.*

*Thanks to the hard work of so many Tennesseans, I believe the state of our state has never been better. Our economy is outpacing the national economy. Not only do more Tennesseans have a job today than ever in the history of our state, but Tennessee's median household income has grown at the second fastest rate in the country. Not only are we adding jobs, but we're adding good paying jobs.*

*On education, there is no state in the U.S. that is demanding the spotlight like Tennessee. It is worth repeating: with the incredible hard work of our teachers and students, Tennesseans are the fastest improving in the country in math, reading and as of this year, science. This past October we received the science scores from the Nation's Report Card, and besides being the fastest improving, we narrowed the gaps between African American, Latino and white students. We also completely eliminated the gap between male and female students. Please join me in giving all of the teachers across this great state a hand for making such a difference for Tennessee. In higher education, while the rest of the country struggles with increasing tuition, over the last two years, Tennessee's colleges and universities have seen the lowest growth in tuition and fees since the 1970s. And in just four months we'll see the very first associate's degrees awarded to Tennessee Promise students across the state.*

*For only the second time in our state's history, we have a triple-A credit rating from all three agencies. Even before the tax cuts that I am recommending in this year's budget, Tennesseans pay the lowest amount of tax as a percentage of their income of any of the 50 states. The budget I am recommending to you will take the state's Rainy Day Fund to an all-time high. In addition, we are still the state with the lowest debt per capita in the country. Last year was the first year in Tennessee recorded history that we did not take on any new debt. This budget will recommend that this be the second year in Tennessee's recorded history that we won't take on any new debt.*

*With all of that, we have still managed to create a surplus in Tennessee. I want to be clear – surpluses are a good thing, a combination of conservative estimates, strong growth and having the discipline to not spend to budget. Many of our fellow states who are in deficit positions would love to trade places with us. Twenty-five of the 50 states saw revenue come in*

*below projections last year. Since there's been so much discussion and speculation about the surplus, I'd like to spend a little time tonight talking about that – beginning with: just how much is it?*

*It's important for all of us to draw a clear line of distinction between recurring revenue and non-recurring revenue. For those watching at home, recurring revenue would be items like your weekly or monthly paycheck – revenue you can typically count on coming in from year to year. Non-recurring revenue would be things like the money Aunt Edna left you in her will, or the insurance settlement you got for your car, or the money that you saved out of last year's budget. These are items that you cannot typically count on from a year-to-year basis. Unless you think Aunt Edna might die multiple times.*

*For recurring revenue, in most years we have growth of about \$400 million to \$500 million that we can spend on new programs or increased costs. This year the amount of new recurring revenue is \$957 million, double the amount that we normally receive. However, it's important for all of us to remember that this is not \$957 million without any claims to it.*

*The tax cuts in the budget we are proposing will take over \$200 million of that. Funding the BEP formula – something we are all committed to, and raises for teachers – will take another \$180 million. Non-discretionary increases to TennCare, caused by rising health care costs in general and pharmacy costs in particular, will take \$130 million of that \$957 million. Raises and increased health insurance costs for state employees are another \$107 million. In addition, obligations to our retirees for our pension plan and health care costs will eat up \$125 million dollars. Funding the Complete College formula and higher education will require \$80 million dollars. I'm also recommending that the maintenance of our buildings be funded on a recurring basis going forward, which I believe is a more conservative and responsible approach than only putting maintenance dollars in the budget when we happen to have some funds available.*

*As you can see, many of the items that I listed are non-discretionary. We don't have much choice to it. As you can also see, there are some discretionary funds in that list. We don't have to give raises to our teachers or to our employees. We don't have to cut taxes, and we don't have to fund the maintenance of our buildings on a recurring basis. However, I am convinced that all of these things are strategic investments in the future of our state.*

*Just those seven items make up \$900 million of the recommended spending for the \$957 million of the new recurring revenue that we have for this year. In addition, we are recommending several other places that we believe merit investment in the budget. We are recommending increasing the daily reimbursement rate that we give to counties for housing state prisoners in county jails. We're adding funding for public defenders and investigators, more state troopers and more district attorneys. It is also both smart and just to increase the amount of reimbursement we pay to some of the providers that take care of our most vulnerable citizens through the Department of Children's Services. We're also opening up more places in the CHOICES program for those we serve in the intellectual and developmental disability communities. And unfortunately as drug use and opioid addiction plague our state, we're expanding substance abuse and crisis intervention treatment services and supports.*

*With the non-recurring money, or one-time money, we're focusing on items that can save state dollars down the road, including the improvement and maintenance of our buildings, both*

## MONDAY, JANUARY 30, 2017 – SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

*general government and higher education, and we're putting \$110 million toward paying down a \$1.2 billion liability for retirees' health care. I am also proposing to add \$132 million to our Rainy Day Fund to bring it to an all-time record high of \$800 million, well on our way to the statutory guideline of \$1 billion.*

*Since we have been talking about the surplus, I guess we should go ahead and talk about our transportation needs since it's hard to talk about one without the other. At its core, transportation and infrastructure are some of the most basic needs provided by state government, and a safe and reliable network is vital to the Tennessee we can be. While there are some functions that people can perform for themselves without the government, no one can build a network of roads and bridges on their own. In Tennessee we last addressed how to fund our roads back in the late 80s. Since that time, when the rate was raised to 21-cents per gallon of gasoline, the value of that 21 cents has fallen to 11 cents. So, if you're wondering how that can happen, the answers are fairly easy.*

*The gas tax is the one form of revenue that doesn't have inflation built into it. Because it's charged on a cents per gallon basis instead of a percentage of the sales rate, inflation doesn't change the number. Secondly, improved mileage for vehicles has been great for the economy, great for the environment and great for consumers' pocket books. However, it has also meant that everyone drives on our roads for a lot less of the cost than they did back in 1989. With the IMPROVE Act we're proposing to increase the gas tax 7 cents and the diesel tax 12 cents per gallon, and all new revenue goes only to address our transportation needs. The legislation will mean 962 projects in all 95 counties, both urban and rural. It will also mean 78 million dollars annually in increased revenue for counties and 39 million dollars for our cities. Scores of mayors across Tennessee – cities and counties, rural and urban – have told me that, if we don't do something to address the fuel tax, they will have no alternative but to raise the property tax in their municipalities.*

*I know some of you think we should transfer surplus money to the Highway Fund for transportation. We are – to the tune of \$277 million in last year's and this year's budget combined. There are four real reasons why that's not a long-term solution. First, while we do have a surplus, we do not have a pile of money without a claim to it – as I mentioned earlier. Second, I have never thought that it was a good plan to pay for a long-term need like \$10.5 billion in approved and needed road projects with a short-term surplus. Third, and the most fundamental, in my proposal an estimated half or more of the increased revenue would come from non-Tennesseans and trucking companies. I don't know why we would take General Fund dollars, which are mostly collected from Tennesseans for Tennesseans, and use that to subsidize our roads, which are paid for by a broad mix of in-state and out-of-state users. Finally, paying money out of our surplus would continue to leave our cities and counties with an inadequate source of revenue for taking care of our neighborhood and local roads.*

*I know that some of you have said that you're never going to hit the green button for any kind of tax increase. I understand. I would rather not address this either. To be honest, I would rather be known as the governor who worked with you to cut \$500 million in taxes, brought our debt to record low levels and introduced the Tennessee Promise. But imagine with me for a second what kind of Tennessee we would be if two different governors and two different General Assemblies did not have the foresight to address our needs back in the 80s. Without them, many of the roads we now take for granted and hundreds of thousands of jobs would not be here.*

*Earlier I mentioned that Tennessee has the lowest taxes in the nation as a percentage of personal income. If the IMPROVE Act goes into law, we would still have the lowest taxes in the nation. Today, we benefit from the decisions made and hard votes taken by those who came before us, and I am hoping we can make the same commitment to our children and grandchildren to deliver the infrastructure they need to pursue economic opportunity and high quality lives.*

*I have also heard many of you say that any movement in the gas tax would have to be accompanied by relative revenue neutrality. If you believe that, I would argue that there will rarely be as good a chance for us to do that as we have before us right now. The IMPROVE Act includes tax cuts targeted toward the franchise and excise taxes of our manufacturers. While we take great pride in paying the lowest amount of tax as a percentage of income in the country as individuals, unfortunately that's not true for our business taxes. We are the third highest in the country in business taxes as a percentage of income and as a percentage of our budget. This tax cut of \$113 million annually makes Tennessee more competitive as we're out recruiting jobs to locate or expand here in state. Some of you may ask why are we targeting manufacturers with this tax cut? Because they are the firms that in addition to their own jobs, bring a long trail of supplier jobs with them. The average manufacturing job creates an additional three jobs out of their supplier ranks. Just this morning I had a conversation with a major manufacturer who was looking to locate in one of our rural areas in Tennessee. The good news is we're one of two finalists for the location. The challenging news is they think they will pay more business tax if they locate in Tennessee, and they're weighing their decision right now. I wish I could say that's the only conversation like that I've had, but that is at least the fifth time that has come up in a recruitment conversation in the last four months. I am confident this tax cut will mean more jobs for Tennesseans in the future.*

*I am also proposing we cut the tax on groceries from 5 percent to 4.5 percent, which in addition to the half percent we cut several years ago, would mean a full percentage cut in the grocery tax since 2012. This new cut would save Tennesseans \$55 million annually on their grocery bills, for a total of more than \$100 million since we came into office.*

*Finally, I am proposing funding the cuts in the Hall income tax. As you all know, the Hall is statutorily required to be eliminated by 2022, but it is one thing to eliminate a tax in a bill. It is entirely different thing to actually take that revenue out of the budget. The IMPROVE Act accelerates that while we have funds in the budget to address this. Those cuts will mean an additional \$102 million in tax cuts during this General Assembly. In total, if this is approved, the General Assembly and this governor will have cut \$540 million in annual taxes out of the budget since 2011. Let me repeat that: we will have cut \$540 million in annual taxes since 2011. For the sake of reference, that is nine times more than the highest amount ever cut by a General Assembly and a governor in the history of the state. And with the approval of the base reductions in this budget, we will have cut \$550 million in on-going expenses from the state budget over the last seven years. We've reduced the cost of government, and we're returning those dollars in tax cuts.*

*You know, insuring the future health of our state is not just about roads and bridges. More than half of our counties have an economic status of either at-risk or distressed, but our rural areas have assets that we can capitalize on. We are already making progress in this effort. Last year, 40 percent of the new job commitments from our Department of Economic and Community Development occurred in rural areas. In this budget we are proposing including*

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*\$21 million in recommendations from our Rural Task Force. As Tennessee moves ahead, we want to make certain that every part of our state is included.*

*But one of the best things I think we can do for those areas is increase their access to broadband internet. Last week I introduced the second piece of our NextTennessee legislative agenda, the Tennessee Broadband Accessibility Act. We've talked about infrastructure with regards to transportation, but having the right infrastructure to handle Tennessee's potential growth also means talking about access to broadband. More than 800,000 Tennesseans don't have that access, and one in three businesses identified it as essential to selecting their location. Allowing Tennessee's private, non-profit electric co-ops to provide retail broadband service and investing \$15 million in grants and tax credits annually will help spur deployment in rural unserved areas – opening them up to economic investment and job growth. Of course, accessibility without adoption doesn't accomplish very much, so we're also focusing on digital literacy so interested Tennesseans can maximize the benefits of broadband.*

*We live in a world where if you have a strong internet connection you can just about work from anywhere. If we're serious about putting our rural counties on a level playing field, then opening up broadband access is one of the largest steps forward we can take.*

*As in prior budgets, you will notice this one makes another strong commitment to public education. Last year we had the largest funding increase for public education without a tax increase in the history of the state. This year we're proposing one of the largest funding increases in Tennessee history while at the same time cutting \$270 million in taxes. We're fully funding the Basic Education Program including \$22 million in additional dollars to help schools serve high need students and \$15 million for career and technical education equipment. One hundred million dollars (\$100 million) is included for teacher salaries, bringing the three year total since FY 16 to more than \$300 million in new dollars for teacher salaries and more than \$430 million in new dollars for salaries since 2011. Tennessee has shown it will not balance the budget on the backs of teachers and students. Under the legislature and this administration, Tennessee has increased total K-12 spending by more than \$1.3 billion.*

*We're also making unprecedented investments to open up access to higher education. In addition to the Tennessee Promise and keeping tuition low, since fiscal year 12, Tennessee has taken funding for its need-based financial aid from \$56 million to \$98 million. Our focus on education has been about creating true generational change regardless of your income level or your zip code.*

*At the end of the day, there is no higher potential for providing more opportunity for our citizens than increasing access to high quality education. And the whole point is: we're doing it by maintaining discipline and responsibility to the tax payer – keeping taxes and debt low and saving for when the economy ultimately slows.*

*With that in mind we introduced the Tennessee Promise three years ago in this speech. The Promise was a significant initiative within our Drive to 55. Every day we are seeing that this is not an abstract goal. It is a goal that is connecting and resonating with Tennesseans. Back in 2014 when we were discussing the Tennessee Promise legislation, there were two questions that always came up. First, can these students, many of whom are first generation college students, succeed? Second, what about the adult Tennesseans who graduate high school and either never went or never finished college?*

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*While it's still early in the Tennessee Promise story, the results so far are incredibly encouraging. Since the program started, more than 33,000 students have enrolled in college as a result of Tennessee Promise. Of the students who began in fall 2015, 63 percent are still enrolled. Far ahead of the average of our community college students. But for me, Tennessee Promise will always be one freshman who, on his first day of class at Nashville State, grabbed me and told me, "I've always known what I wanted to do with my life, I've known that to do that I had to get a degree. But before Tennessee Promise, I had no idea how I would pay for it." Last year, we led the nation in FAFSA applications for our high school seniors, and this year's numbers are already ahead of last year's, meaning we will once again be No. 1 in the nation. Just as encouraging as the volunteer spirit we now have nine thousand. Nine thousand Tennessee adults who are volunteer mentors to high school students, and those high school students have provided over a million hours of community service. And critically, at a time when the rest of the nation is wondering what to do about student loans, Tennessee has seen a 17 percent decrease in the number of students taking out loans.*

*Even with all of the progress and unprecedented opportunity, we know that we have more to do. Tennessee needs 871,000 more degrees to reach the goal of 55 percent, but mathematically there's no way to reach our goal just by serving our high school students. As many of you have specifically discussed in the last three years, we have to do more for adult students in Tennessee.*

*We need to reach the working mother that went to college but didn't complete, or the son with sons of his own who like his dad never went to college but knows that he needs to upgrade his skills. Adults currently can attend a TCAT tuition free, and as you know we were the first state in the nation to offer a program like the Tennessee Promise. Tonight, I'm introducing the next step in making certain that everyone in Tennessee has the opportunity to earn their degree.*

*I am proposing that Tennessee become the first state in the nation to offer all adults access to community college free of tuition and fees. Just like the Tennessee Promise, Tennessee Reconnect will provide last-dollar scholarships for adult learners to attend one of our community colleges for free – and at no cost to the state's General Fund. With the Reconnect Act, Tennessee would be the first in the nation to offer all citizens – high school students and adults – access to a degree or certificate free of tuition and fees. No caps. No first come, first served. All. Just as we did with Tennessee Promise we're making a clear statement to families with Reconnect: wherever you might fall on life's path, education beyond high school is critical to the Tennessee we can be. We don't want cost to be an obstacle anyone has to overcome as they pursue their own generational change for themselves and their families.*

*And one more thing: I've had the chance to personally witness Tennessee's National Guard in action whether it's in Afghanistan or Gatlinburg or McMinn County helping those communities recover from devastating tragedy. Tonight, we're announcing the Tennessee STRONG Act to provide tuition free attendance for these men and women at our public universities and colleges. If we can help our soldiers and airmen who protect us at home and abroad, I know you agree we should do that.*

*Some of you may be wondering why I spend so much time and energy on education and higher education, in particular. I know firsthand what a college degree can mean to someone, specifically someone who is the first in their family to go to college. My dad, who is here tonight, you might have heard him, was the first in his family to attend college and get his degree, and the trajectory of his life – and mine – was changed forever. And I'm betting that*

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*I'm not alone in that many of you in this room were the first person in your family to attend college or your parents were the first.*

*The Tennessee we can be provides not only access to opportunity but the tools to be successful. Good roads that take you to good jobs. Broadband access to conduct and grow your business anywhere in Tennessee at the speed of the 21<sup>st</sup> century. A high quality education system that educates all.*

*We can do that in Tennessee. Because of the fiscal responsibility we have shown, the Tennessee we can be is a state with a safe and reliable transportation network that supports long-term growth, one of the best K-12 systems in the country and free access to a degree for all Tennesseans, so the opportunity and potential career earnings offered by higher education aren't derailed by student debt. And we can still be the state with the lowest taxes and the lowest debt.*

*Two months ago, I was with Senators Alexander and Corker and Speaker Harwell when we met Gerry Stoker in Polk County after tornados had ripped through Southeastern Tennessee. Life had already thrown some challenges her way, and the storm had delivered her another: her daughter and son-in-law who lived next door had just been killed in the storm. After chatting for a while, and not at all intimidated by having a governor, two senators and a speaker on her front porch, she turned to us and said, "Alright, you folks go back to Washington and Nashville and do what you're called to do. I'll take care of things here." That is a true picture of a Tennessean and how we address the challenges that only we can solve. That was the end of one of the tougher weeks in the history of our state. We had suffered a tragic school bus crash in Chattanooga, fatal tornados sweeping across our state, and the horrific fire in Gatlinburg that will go down as the worst fire in the history of our state. In the midst of all that, I have never been more proud to be a Tennessean. We truly still are the Volunteer State, and I could spend hours recounting to you stories of courage and sacrifice – thousands of state employees and caring citizens who only had one question, "how can I help?"*

*That's who we are – that's the Tennessee we can be. May God bless you, and God continue to bless the greatest state in the land of the free.*

Madam President Harwell relinquished the Chair to Senator Tracy.

Thereupon, the purpose for which the Joint Convention was called having been accomplished, Senator Tracy declared the Joint Convention dissolved.